THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.24358 of 2005

Dated: 16.03.2006

Between:

S.Mangatha S/o S. Hamu,

Junior Inspector, O/o Assistant Director,

A.P.Khadi & Village Industries Board, Nalgonda.

… **PETITIONER**

And:

The Chief Executive Officer,

A.P.Khadi and Village Industries Board,

Humayunnagar, Hyderabad – 500 028 and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.24358 of 2005

ORDER:

Petitioner, who is working as Junior Inspector in Andhra Pradesh Khadi & Village Industries Board, Nalgonda, filed this writ petition questioning the promotion of respondents 3 to 5 as Senior Inspectors and seeks a further direction to respondents 1 and 2 to promote the petitioner retrospectively to the Post of Senior Inspector from

the month of January, 2003.

In the affidavit filed in support of this writ petition, it is stated that the petitioner was appointed as Junior Inspector, in the category-5(c) post under the A.P.Khadi and Village Industries Board Employees Recruitment and Service (Conditions) Regulations, 1996 (for short "the Regulations"), on 20.08.1992. In the seniority list of Junior Inspectors, he was figured at serial No.12. The promotion of respondents 3 to 5 is questioned on the ground that their promotions were considered in the 8th roster point, which was reserved for Scheduled Tribe (Women) category. It is the case of the petitioner that if a candidate belonging to Scheduled Tribe (Women) category is not available, in view of the Government Order in G.O.Ms.No. 2, Social Welfare Department dated 09.01.2004, the vacancy shall be filled up by a Scheduled Tribe (male) candidate.

In the counter-affidavit filed on behalf of the respondents 1 and 2, it is stated that as per the amended Regulations, for every three clear vacancies, two vacancies shall be filled up by promotion from the feeder category i.e., Junior Inspectors, and the third post shall be filled up by direct recruitment. The respondents 1 and 2 have denied in the counter that no vacancy was filled up with regard to roster point No.8, as pleaded by the petitioner. It is categorically stated that roster point No.8 has not been reached. In that view of the matter, there is no need to consider the case of the petitioner as per G.O.Ms.No.2, dated 09.01.2004.

It is not in dispute that in the seniority list of Junior Inspectors, respondents 3 to 5 were shown as seniors to the petitioner. The only ground for the petitioner to claim seniority over and above respondents 3 to 5 is on the premise that they were promoted in roster point No.8, which is reserved for Scheduled Tribe (Women) category. However, it is the categorical case of respondents 1 and 2 that roster point No.8 was not reached at all. In that view of the matter, there was no occasion for them to fill up the vacancy by a male candidate, as alleged by the petitioner. Though in the reply affidavit, the petitioner sought to develop his case further stating that the respondents have not followed the rule of reservation from 2000 onwards, which in fact, is not the case of the petitioner in the writ petition. The only claim seeking priority for promotion over and above respondents 3 to 5 was with reference to roster

point No.8. Inasmuch as it is stated that the respondents 1 and 2 did not fill up the vacancy against roster point No.8, no case is made out to show any illegality in the promotion of respondents 3 to 5 from the post of Junior Inspectors to Senior Inspectors. In that view of the matter, I do not find any valid grounds to grant any relief as prayed for.

The writ petition is devoid of merits and is accordingly dismissed. There shall be no order as to costs.

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sh 16.03.2006